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C O N F I D E N T I A L SECTION 01 OF 02 TEL AVIV 006766

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SUBJECT: EMBLEM: WHY THE GOI NEARLY BALKED

REF: GENEVA 02903

Classified By: Ambassador Richard H. Jones for reasons 1.4 (b,d).

11. (C) SUMMARY: While Israel did not oppose the recent MDA-PRCS agreements, the issue hits the GOI at an unusually volatile transitional moment in Israeli domestic politics. During this tenuous period an issue such as this that touches on security, or the status of East Jerusalem and the settlements, could explode onto the national stage at a moment's notice, forcing Israeli leaders to take a public stand on the political price of MDA admission into the movement. The MDA-PRCS agreements reached the desk of a Foreign Minister campaigning to lead the political party that the Prime Minister had just abandoned. FM Shalom objected to the MDA-PRCS agreements possibly because he perceived an electoral liability in failure to oppose any agreement that acknowledges the de jure applicability of the Fourth Geneva Convention to the West Bank. Responding to pressure from Washington firmly articulated by the Charge, Shalom passed the final decision on the MDA-PRCS agreements to PM Sharon, who decided not to oppose them. Through his actions FM Shalom tried, simultaneously, to protect the interests of traditional Likud supporters, to highlight the Prime Minister's failure to do so, and to avoid standing in the way of MDA's accession into the movement. It is likely that, in addition to PM Sharon, the only senior political figures in Israel familiar with the agreements' actual content are FM Shalom, Attorney General Menachem Mazuz, and Health Minister Dan Naveh. None of these leaders has yet criticized in public the PM's decision not to oppose the MDA-PRCS agreements. It remains possible that FM Shalom may do so at a later date if it serves his political advantage. End Summary.

CHRONOLOGY: THE FOREIGN MINISTER PUNTED TO THE PRIME MINISTER

12. (C) The Charge called FM Shalom's office late evening November 27 after learning that the GOI might suddenly advise MDA President Noam Yifrach not to sign the following day a memorandum of understanding and operational agreement with the PRCS. FM Shalom's policy advisor, Opher Bavley, said that Shalom had only just received two hours earlier the text of the agreements, though the MFA had certainly been aware of their contents for a long time. Bavley said FM Shalom, advised to be cautious in a letter from Attorney General Menachem Mazuz, believed the MDA-PRCS agreements represented too great a political commitment and liability for the GOI to accept. Bavley added that Health Minister Dan Naveh also wanted to further examine the agreements before deciding whether to object to them. Charge subsequently spoke to Prime Minister Ariel Sharon's Foreign Policy Advisors, in the absence of Shalom Turgeman, and spelled out the brewing crisis.

13. (C) After consulting with NEA A/S Welch, Acting PRM A/S Greene, and Ambassador Moley, Charge contacted FM Shalom directly, arguing that his position was unhelpful. The MDA-PRCS agreements represent a vital step toward MDA recognition, the Charge insisted, and to back out at this late date would diminish the prospects for MDA's accession into the Red Cross / Red Crescent Movement. He also stressed that the Syrians and other MDA opponents would seize upon any last-minute GOI intervention to bolster their claim that the MDA is not independent of the GOI. Moreover, the USG has worked very hard over many years to support MDA's bid to join the movement, and a postponement would constitute a major set-back for all parties.

14. (C) Shortly after this conversation, FM Policy Advisor Bavley called to inform the Charge that FM Shalom and Health Minister Naveh had decided to pass the decision to PM Sharon. At that point, Turgeman, who was in Washington, took over the issue. MFA Director for International Organizations and Human Rights Daniel Meron told poloff November 28 at 0830 that PM Sharon said he appreciated the significance of the agreements, understood USG concerns, and decided to refrain from advising Yifrach not to sign the agreements. Meron also said the MFA issued a statement to the Government of Switzerland stipulating that the agreements do not represent

a commitment on the part of the GOI.

DOMESTIC POLITICAL CONTEXT

15. (C) The passing of the MDA issue like a hot potato from political rival to political rival reflects the significantly heightened sensitivity among Israeli leaders to any issue that may have political repercussions. With Ariel Sharon's formation of a new party, the split of his old Likud home base and dynamic movement throughout the political arena, right-wing political leaders in Israel are divided, defensive, and desperate. Recent public opinion polls in Israel indicate that the now solidly right-wing rump Likud party may lose many seats in the Knesset during the next election. During this tenuous period any issue that touches on security, or the status of East Jerusalem and the settlements, could explode onto the national stage at a moment's notice, forcing Israeli leaders to take a public stand on the political price of MDA admission into the Red Cross / Red Crescent Movement. Fortunately, Israeli newspapers did not publish the text of the MDA-PRCS agreements. It is likely that, in addition to PM Sharon, the only senior political figures in Israel familiar with the agreements' actual content are Foreign Minister Silvan Shalom, Attorney General Menachem Mazuz, and Health Minister Dan Naveh. None of these leaders has yet criticized in public the PM's decision not to oppose the MDA-PRCS agreements. It remains possible that FM Shalom may do so at a later date if it serves his political advantage.

16. (C) Comment: Having habitually sought to claim credit for the actions of others, FM Shalom notably passed up the opportunity to take part in MDA's victory march by handing a key decision to the Prime Minister. FM Shalom may perceive an electoral liability in failure to oppose any agreement that acknowledges the de jure applicability of the Fourth Geneva Convention to the West Bank. He presently seeks to avoid actions that might jeopardize support among settlers for his campaign to lead the Likud party. By objecting to the agreement and then passing the decision to the Prime Minister, he protected the interests of traditional Likud supporters, highlighted the Prime Minister's failure to do so, and avoided standing in the way of MDA's accession into the movement. End Comment.

17. (C) Health Minister Dan Naveh recommended that FM Shalom advise MDA President Yifrach to delay signing the agreement. He heads the GOI Ministry with jurisdiction over ambulances in East Jerusalem. In the face of recent political turmoil, he has decided to remain in the Likud. While his political ties thus remain closer to FM Shalom than to PM Sharon, Naveh has avoided publicity during the Likud party's leadership battle.

18. (C) Attorney General Menachem Mazuz also recommended that FM Shalom advise MDA President Yifrach to delay signing the agreement. Mazuz appears firmly committed to the GOI position that the Fourth Geneva Convention does not apply de jure to the occupied territories, which the GOI claims had no recognized sovereign before 1967 and thus is not "occupied." MFA IO Director Meron informed poloff that concerns about the Fourth Geneva Conventions led Mazuz to advise FM Shalom not to support the agreement.

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JONES